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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,507	06/26/2003	G. Thomas Athens	F-703	5201

7590 10/29/2008  
Pitney Bowes Inc.  
Intellectual Property and Technology Law Dept.  
35 Waterview Drive  
P.O. Box 3000  
Shelton, CT 06484

EXAMINER
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MURDOUGH, JOSHUA A

ART UNIT	PAPER NUMBER
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3621

MAIL DATE	DELIVERY MODE
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10/29/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/606,507	<b>Applicant(s)</b> ATHENS ET AL.	
	<b>Examiner</b> JOSHUA MURDOUGH	<b>Art Unit</b> 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12-15, 18-27, 29-32, 42 and 43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-15, 18-27, 29-32, 42 and 43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Acknowledgements***

1. This action is responsive to Applicant's amendment on 24 July 2008.
2. Claims 12-15, 18-27, 29-32, 42, & 43 are currently pending.

### ***Specification***

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 C.F.R. §1.75(d)(1), and MPEP §608.01(o), and MPEP §2181 IV. and its discussion of 37 C.F.R. §1.75(d). Correction of the following is required:

- a. The "means for processing a first audit record, said audit record, and usage data" as recited in claim 25.

Appropriate correction is required.

### ***Claim Objections***

4. Claims 14 and 27 are objected to under 37 C.F.R. §1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicants are required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 13 and 26, from which these claims depend, recite "verifying the time stamp in the first audit record corresponds to the start of the audit period" and "verifying the time stamp in the second audit record corresponds to the end of the audit period." These limitations show that the time stamps are verified, e.g. they are correct. However, claims 14 and 27 recite that they do not correspond

***Claim Rejections - 35 USC § 112 1<sup>st</sup> Paragraph***

5. The following is a quotation of the first paragraph of 35 U.S.C. §112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 25-27, 29-32, and 43 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

7. In claim 25, the “said audit record and usage data coupled to interface circuit” was not shown in the original disclosure.

***Claim Rejections - 35 USC § 112 2<sup>nd</sup> Paragraph***

8. The following is a quotation of the second paragraph of 35 U.S.C. §112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 25-27, 29-32, and 43 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- b. In claim 25, it is unclear whether the Applicants are claiming the subcombination of "a data center" or the combination of "a data center" and "a dispensing device." If Applicants' intend to claim only the subcombination (i.e. "a data center"), the body of the

claim(s) must be amended to remove any positive recitation of the combination.

Currently, claim 25 positively recites the dispensing device.

c. Alternatively, if Applicants intend to claim the combination, the preamble of the claim must be amended to be consistent with the language in the body of the claim. If this latter is desired, the examiner suggests by way of example only that Applicants draw the claim to a system.

d. Claims 25-27, 29-32, and 43 are rejected because the corresponding structure of the means plus function elements can not be determined. "If one employs means plus function language in a claim, one must set forth in the specification an adequate disclosure showing what is meant by that language. If an applicant fails to set forth an adequate disclosure, the applicant has in effect failed to particularly point out and distinctly claim the invention as required by the second paragraph of section 112." See MPEP § 2181 (II). The specification does not clearly link the corresponding structure to:

i. the "means for processing the first audit record" as recited in claim 25.

e. For the 'means plus function' phrase noted above, Applicants are also required to expressly state if the corresponding structure is software only, hardware only, or a combination of hardware and software. Where the corresponding structure includes some software, Applicants are also required to point out the particular algorithm of the software. When the corresponding structure is software, the software transforms a general purpose computer into a specific, programmed computer. Without the specifically disclosing the algorithm, the corresponding structure remains a general purpose computer thereby resulting in purely functional claiming.

10. Claim 25 recites the limitation "said audit record" in line 11. There is insufficient antecedent basis for this limitation in the claim, because there are two audit records previously recited and one of ordinary skill in the art would not know which one the limitation is directed to.

11. Claim 25 recites the limitation "said audit record and usage data coupled to interface circuit." The word "couple" as used in Applicant's specification ("The UIC 12 is coupled to a base 20" [0017]) and in the definition below implies a physical link. One of ordinary skill in the art would not understand the nature of the link required between data and a physical device.

12. Claims 25-27, 29-32, and 43 claim a system and a method, which renders the claim ambiguous. One of ordinary skill in the art would not know if possession of the structure is sufficient to constitute infringement or if the claimed functions must also be performed. For examination purposes, the Examiner will interpret these claims as being directed to a system only. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

13. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

14. Claims 25-27, 29-32, and 43 are rejected under 35 U.S.C. 101 because the claims are directed to neither a "process" nor a "machine" but rather embraces or overlaps two different statutory classes of invention set forth in 35 U.S.C 101 which is drafted so as to set the statutory classes of invention in the alternative only. For examination purposes, the examiner will interpret these claims as directed to a system only.

***Claim Rejections - 35 USC § 102***

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

16. Claims 12, 18-25, 29-32, 42, & 43 are rejected under 35 U.S.C. §102(e) as being anticipated by Leon (6,424,954).

17. As to claim 12, Leon shows:

receiving a first audit record from the value dispensing device, (signed message,

Figure 5F, 5214)

the first audit record generated by the value dispensing device (“SMD”) at the start of an audit period, the first audit record including a value of at least one register maintained by the value dispensing device at a start of the audit period (Figure 5F, 5214) (Column 18, lines 47-56)

and a first digital signature, (Column 18, lines 47-56 & Column 101, lines 18-20)

receiving a second audit record from the value dispensing device (“SMD”), the second audit record generated by the value dispensing device at the end of the audit period, (signed message, Figure 5F, 5214)

the second audit record including a value of at least one register maintained by the value dispensing device at a end of the audit period, (Figure 5F, 5214) (Column 18, lines 47-56)

and a second digital signature; (Column 18, lines 47-56 & Column 101, lines 18-20)

receiving usage data from the value dispensing device for the audit report; (STATUS message, Column 85, lines 1-6 & following table)

verifying the first and second digital signatures; (Figure 5F, 5218) (Column 61, lines 41-50)

if the first and second digital signatures verify, determining the difference between the value of the at least one register at the end of the audit period and the start of the audit period; (Column 9, lines 11-20)

comparing the determined difference with corresponding data provided in the usage data; (Column 46, lines 48-54)

and if the determined difference correlates with the corresponding data provided in the usage data, generating a usage report for the value dispensing system based on the usage data. (Figure 8F, element 890)

18. As interpreted by the Examiner, the reports, according to Leon, are sent at the end of one period, are also considered to be sent at the beginning of the subsequent period. The report at the end of a period must be completed after the period ends so that every transaction from the period is included. Similarly a report at the beginning of a period must be completed before the period begins so that no transactions from the current period are included. Therefore, in reality, the



report does not belong to one transaction period, but to its own reporting period occurring between transaction periods, immediately before one transaction period and immediately after the previous one. (Leon, Figures 5f and 5f-2 show the transition from the registered, or transaction, state to the intermediate, or reporting, state in order to process and report the data and the subsequent return to the registered state when the reporting is finished.)

19. As to claim 18, Leon further shows:

the first audit record is received before the end of the audit period.

Again, this is inherent to the periodic auditing process. The first report would have been at the beginning of the audit period as the second report of the previous audit.

20. As to claim 19, the storage and later retrieval of a record previously sent is inherent to a system that compares the record to a later created one.

21. As to claim 20, Leon further shows:

the at least one register value in the first and second audit records includes a plurality of register values. (Column 18, lines 47-56)

22. As to claim 21, Leon further shows:

the at least one register value in the first and second audit records includes an ascending register value. (Column 99, lines 37-41)

23. As to claim 22, Leon further shows:

the at least one register value in the first and second audit records includes a total piece count register value. (Column 100, lines 44-47)

24. As to claim 23, Leon further shows:

the first and second digital signatures are verified utilizing a public key. 536

25. As to claim 24, Leon further shows:

indicating an error in the processing of the usage data. (Figure 6F)

26. As to claim 25, Leon shows:

an interface circuit to receive a first audit record, (Figure 5F, 5214)

a second audit record (Figure 5F, 5214)

and usage data from a value dispensing device, (Column 11, lines 59-61)

the first audit record generated by the value dispensing device at a start of an audit

period including a value of at least one register maintained by the value

dispensing device at the start of the audit period (Figure 5F, 5214) (Column 18,

lines 47-56)

and a first digital signature, (Figure 5F, 5214)

the second audit record generated by the value dispensing device at an end of an audit

period including a value of at least one register maintained by the value

dispensing device at an end of the audit period (Figure 5F, 5214) (Column 18, lines 47-56)

and a second digital signature; (Figure 5F, 5214)

means for processing the first audit record, said audit record and usage data coupled to the interface circuit, the processing including verifying the first and second digital signatures; (Figure 5F, 5218)

determining the difference between the value of the at least one register at the end of the audit period and the start of the audit period if the first and second digital signatures verify; (Columns 61-62, lines 51-13)

generating a usage report for the value dispensing device based on the usage data if the determined difference correlates with the corresponding data provided in the usage data. (Column 62, lines 14-43)

27. As interpreted by the examiner, the reports, according to Leon, are sent at the end of one period, are also considered to be sent at the beginning of the subsequent period. The report at the end of a period must be completed after the period ends so that every transaction from the period is included. Similarly a report at the beginning of a period must be completed before the period begins so that no transactions from the current period are included. Therefore, in reality, the report does not belong to one transaction period, but to its own reporting period occurring between transaction periods, immediately before one transaction period and immediately after the previous one. (Leon, Figures 5f and 5f-2 show the transition from the registered, or

transaction, state to the intermediate, or reporting, state in order to process and report the data and the subsequent return to the registered state when the reporting is finished.)

28. As to claim 29, the storage and later retrieval of a record previously sent is inherent to a system that compares the record to a later created one.

29. As to claim 30, Leon further shows:

the at least one register value in the first and second audit records includes an ascending register value. (Column 99, lines 37-41)

30. As to claim 31, Leon further shows:

the at least one register value in the first and second audit records includes a total piece count register value. (Column 100, lines 44-47)

31. As to claim 32, Leon further shows:

the first and second digital signatures are verified utilizing a public key. (Figure 5B, 536)

32. As to claims 42 and 43, Leon further shows:

The value dispensing device is a postage meter. (Title)

***Claim Rejections - 35 USC § 103***

33. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

34. Claims 13-15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Leon as applied to claim 12 above, and further in view of Mosher (5,799,322).

35. As to claim 13, Leon further shows:

the first and second audit records each include a respective time stamp, (Column 18, lines 47-56)

Leon does not show:

verifying the time stamp in the first audit record corresponds to the start of the audit period;

and verifying the time stamp in the second audit record corresponds to the end of the audit period.

Mosher shows the verification of time stamps prior to accepting audit data (Columns 31-32, lines 66-8). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the invention of Leon to add time stamp validation, because this would further show that the data was valid for the audit period and not transactions outside of that time, as is done by Mosher (Column 32, 9-59).

36. As to claim 14, Leon further shows:

indicating an error in the processing of the usage data. (Figure 6F)

37. As to claim 15, Leon further shows:

the time stamp includes a date and a time (Column 18, lines 47-56)

38. Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leon as applied to claim 25 above, and further in view of Mosher (5,799,322).

39. As to claim 26, Leon further shows:

the first and second audit records each include a respective time stamp, (Column 18, lines 47-56)

Leon does not show:

verifying the time stamp in the first audit record corresponds to the start of the audit period; and

verifying the time stamp in the second audit record corresponds to the end of the audit period.

Mosher shows the verification of time stamps prior to accepting audit data (Columns 31-32, lines 66-8). It would have been obvious to one of ordinary skill in the art at the time of the invention to have further modified the invention of Leon to add time stamp validation, because

this would further show that the data was valid for the audit period and not transactions outside of that time, as is done by Mosher (Column 32, 9-59).

40. As to claim 27, Leon further shows:

indicating an error in the processing of the usage data if one of , the time stamp in the first audit record or the second audit record does not correspond. (Figure 6F)

### ***Claim Interpretation***

41. The Examiner maintains the interpretations as to conditional or optional language set forth in paragraph 28 of the previous action. The Examiner previously made reference to the word “if” as being conditional. The word “when” is similarly viewed as being conditional. See definition of “when” below.

42. The Examiner maintains the interpretations as to functional language in system claims set forth in paragraph 18 under Claim Interpretations in the previous action. The Examiner previously made reference to the word “for” being used to show intended use. The word “to” is viewed similarly. See definition of “to” below.

43. The Examiner notes that no arguments have been presented regarding lexicography and thereby, interprets that Applicants have not attempted to define any word lexicographically.

### ***Definitions***

44. To the extent that the Examiner's interpretations are in dispute with Applicants' interpretations, the Examiner hereby adopts the following definitions—under the broadest reasonable interpretation standard—in all his claim interpretations.<sup>1</sup> Moreover, while the following list is provided in accordance with *In re Morris* (127F.3d 1048, 44 USPQ2d 1023 (Fed. Cir 1997)), the definitions are a guide to claim terminology since claim terms must be interpreted in context of the surrounding claim language. Finally, the following list is not intended to be exhaustive in any way:

***Couple***: “2 a : to fasten together : LINK.” Webster's Ninth New Collegiate Dictionary, Merriam-Webster Inc., Springfield MA, 1986.

***Data*** “Plural of the Latin datum, meaning an item of information. In practice, data is often used for the singular as well as plural the form of the noun.” Computer Dictionary, 3rd Edition, Microsoft Press, Redmond, WA, 1997.

***For***: “1 a -- used as a function word to indicate purpose... b -- used as a function word to indicate an intended goal” Webster's Ninth New Collegiate Dictionary, Merriam-Webster Inc., Springfield MA, 1986.

***If***: “1 a : in the event that” Webster's Ninth New Collegiate Dictionary, Merriam-Webster Inc., Springfield, M.A., 1986.

***To***: “2a -- used as a function word to indicate purpose, intention, tendency, result, or end.” Webster's Ninth New Collegiate Dictionary, Merriam-Webster Inc., Springfield MA, 1986.

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<sup>1</sup> While most definition(s) are cited because these terms are found in the claims, the Examiner may have provided additional definition(s) to help interpret words, phrases, or concepts found in the definitions themselves or in the prior art.



***Verify:*** “2 : to establish the truth, accuracy, or reality of.” Webster's Ninth New Collegiate Dictionary, Merriam-Webster Inc., Springfield MA, 1986.

***When:*** “2 : in the event that: IF.” Webster's Ninth New Collegiate Dictionary, Merriam-Webster Inc., Springfield MA, 1986.

### ***Response to Arguments***

1. Applicant's arguments filed 24 July 2008 have been fully considered but they are not persuasive.

2. Applicant argues:

3. “As expressly detailed above, the specification clearly provides a basis for the claimed subject matter, which is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention” (Remarks, Page 8, Paragraph 1).

4. Examiner's response:

5. In the passage immediately preceding the above cited argument, Applicant references “‘generating a usage report for the value dispensing device based on the usage data if the determined difference correlates with the corresponding data provided in the usage data.’ (see corresponding description in paragraphs [0024] and [0025])” (Remarks, Page 8, partial paragraph). The Examiner has reread the two paragraphs where this sentence fragment supposedly originates, but has been unable to find the quoted text. The Examiner has also

performed a text search on the entire specification, but was unable to find the phrase "usage report" anywhere in it.

6. If this passage could be found in the specification, the Examiner agrees that it would be persuasive against the 35 USC 112 1<sup>st</sup> paragraph rejection and the objection to the specification. However, the passage could not be found by the Examiner. Therefore, the argument is not persuasive.

7. Applicants are encouraged to ensure they are looking at the correct document when they provide quotes. Providing inaccurate statements about the documents in an application, if viewed as being intentional, can have a very negative effect on the patent potentially issued from that application.

8. Applicant argues:

9. "Applicants respectfully submit that claims 14 and 27 are in proper dependent form"  
(Remarks, Page 8, Paragraph 3).

10. Examiner's response:

11. As noted above, the dependent claim alters limitations instead of providing additional limitations. Therefore, the objection is maintained.

12. Applicant argues:

13. “The Office Action further contends that the corresponding structure of the means plus function elements cannot be determined. Reconsideration is respectfully requested” (Remarks, Page 8, Paragraph 4).

14. Examiner's response:

15. Applicant has amended to remove all of the means plus function elements rejected under 35 USC 112 2<sup>nd</sup> Paragraph in the previous action. Therefore, the request for reconsideration is moot.

Applicant argues:

“Claim 25 has been amended such that it does not positively recite the dispensing device” (Remarks, Page 9, Paragraph 1).

Examiner's response:

The Examiner respectfully disagrees. Limitations, such as, “the first audit record including a value of at least one register maintained by the value dispensing device” recite function and structure relevant to the value dispensing device.

16. Applicant argues:

17. “As detailed above, the specification is replete with references to the corresponding structure (controller 44) is such a way that one skilled in the art will understand what structure will perform the recited function” (Remarks, Page 9, Paragraph 2). And further, “As described in

the specification, the corresponding structure is the controller 44 that performs the algorithm described in the flow chart of Fig. 3” (Remarks, Page 9, Paragraph 3).

18. Examiner's response:

19. Applicant seems unsure as to the structure for their means plus function limitation. In the first statement, they state that it is the controller 44. In the second, it appears that it is the controller and the corresponding algorithm from Fig. 3. In Paragraph 12 of the previous action, the requirement "to expressly state if the corresponding structure is software only, hardware only, or a combination of hardware and software. However, as there are statements indicating a hardware only and a combination hardware and software implementation, the rejection was made and will be maintained until such time as this is made definite.

20. Applicant argues:

21. “Thus, in Leon the system uses only a single audit record for the purpose of resetting a timer. There is no disclosure, teaching or suggestion in Leon of "receiving a second audit record from the value dispensing device, the second audit record generated by the value dispensing device at an end of the audit period, the second audit record including a value of the at least one register maintained by the value dispensing device at the end of the audit period and a second digital signature" as is recited in claim 12. In Leon, there is no second audit record generated at the end of an audit period. The system in Leon uses only a single audit record taken at a specific point in time...” (Remarks, Page 12, Paragraph 1).

## 22. Examiner's response:

The section of the reference quoted by Applicant in the paragraph prior to this argument “(Col. 18, line 30 to Col. 19, line 15)” shows most of the limitations argued. Therefore, the Examiner believes this argument is actually directed toward there being a second record not the content of the audit record shown by Leon. Applicants have been previously notified that there is no difference between the content of the first audit record and the second audit record as is currently claimed (10/3/2007 Office Action, Response to Arguments). In response to this, Applicant has, in no way attempted to show a difference. Therefore, the Examiner has no choice to interpret the first and second records as being the same other than the specific values that are time sensitive (e.g. time stamps are for the time the record is generated and the register values are current for the time). Furthermore, there is no disclosure of two records being generated between consecutive audit periods.

23. Figure 6A of Leon shows that from the registered state (3), an audit transaction can be performed, and the system is returned to the registered state (3). As the system is back in the registered state (3), an additional audit transaction can be performed, which also returns the system back to the registered state (3). During each audit transaction, an audit record is generated and sent (step 5214, Figure 5F). This would be repeated until there is a fault, withdrawal, or a security threat detected. Therefore, beginning with the first audit transaction, there is a first audit record created and sent. Then the system returns to an active state for the audit period. Finally, the system generates a second audit record and sends it. This is the same record, audit period, record pattern that is claimed.

24. Applicant argues:

25. “There is also no disclosure, teaching or suggestion in Leon of "receiving usage data from the value dispensing device for the audit period" (Remarks, Page 13, Paragraph 1).

26. Examiner's response:

27. The table in column 85 as previously cited by the Examiner shows usage data such as pending transactions, non-zero piece count, ascending register, and descending register values being sent as part of the STATUS message.

28. Applicant argues:

29. “There is also no disclosure, teaching or suggestion in Leon of "determining a difference between the value of the at least one register at the end of the audit period and the start of the audit period" (Remarks, Page 13, Paragraph 2).

30. Examiner's response:

31. Leon shows “The new Transaction ID and the current and previous values of the revenue registers are used to generate the Device Audit field” (Column 47, lines 17-19). The values compared are in the second table “Device Audit Field” in column 47. Included are “Ascending Register,” “Descending Register,” and “Previous Funding Revenue.” This data is analyzed and

validated (Step 5218, Figure 5F & Column 18, lines 57-64). One of ordinary skill in the art would recognize that the Ascending Register should hold a value that is the difference between the Descending Register's value and the value of the Previous Funding Revenue which represents the starting value of the Descending Register. Recalculating the Ascending Register's value would be the simplest way of validating the data.

32. As noted in the previous action, “[a] reference anticipates a claim if it discloses the claimed invention ‘such that a skilled artisan could take its teachings in *combination with his own knowledge of the particular art and be in possession of the invention*. [Emphasis in original.]’” *In re Graves*, 69 F.3d 1147, 1152, 36 USPQ2d 1697, 1701 (Fed. Cir. 1995) citing *In re LeGrice*, 301 F.2d 929, 936, 133 USPQ 365, 372 (CCPA 1962).

Applicant argues:

“There is also no disclosure, teaching or suggestion in Leon of "comparing the determined difference with corresponding data provided in the usage data" as is recited in claim 12” (Remarks, Page 14, Paragraph 1).

Examiner's response:

Usage data as noted above contains the Ascending and Descending Register values. As discussed in regards to the previous argument, these values are compared against the previous funding amount with the Ascending Register holding the difference between the Descending Register and the funding.

Applicant argues:

“There is also no disclosure, teaching or suggestion in Leon of generating a usage report for the value dispensing system based on the usage data if the determined difference correlates with the corresponding data provided in the usage data as is recited in claim 12” (Remarks, Paragraph spanning pages 14 and 15).

Examiner's response:

The Examiner's primary position is that this is a conditional limitation which if the condition is not satisfied (difference does not correlate), the function is not performed. Also, if the digital signatures previously did not verify, this limitation would be omitted altogether.

The data of the usage report is shown in Figure 8F. Leon also shows reporting the values if the control total is equal to the sum of the ascending and descending values (Column 62, lines 14-43).

### ***Conclusion***

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

34. Quatse (US 4,484,307) shows the ascending and descending registers being added to equal the total funding.

35. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

36. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA MURDOUGH whose telephone number is (571)270-3270. The examiner can normally be reached on Monday - Thursday, 7:00 a.m. - 5:00 p.m.

37. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

38. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

J. M.

Examiner, Art Unit 3621

/ANDREW J. FISCHER/

Supervisory Patent Examiner, Art Unit 3621